

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.2482 OF 2002

IN

SUIT NO.3896 OF 2000

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Ramesh B. Gajra & ors. ...Plaintiffs

v/s.

Gajra Invesatments Pvt.Ltd.

and ors. ...Defendants

...

Mr.Sandip Parikh i/b Little & Co. for the Plaintiffs.

Mr.Birendra Saraf with Mr.Faizal Sayed i/b M.K.

Ambalal & co. for Defendants Nos. 1 to 4.

...

CORAM: D.K.DESHMUKH, J.

DATED: 2nd September, 2004

P.C.:

This notice of motion is taken out by the Plaintiff

seeking attachment of the properties which are listed at Exh.A. As per affidavit filed by the Defendants, properties at serial nos. 1 & 2 do not belong to the Defendants Nos. 1, 2 & 3 as claimed by the Plaintiff. So far as properties at serial Nos.3 & 4 are concerned, admittedly these properties belong to deceased I.S.Gajara and his wife. Probate petition admittedly is presently pending.

The learned Counsel appearing for the Defendants states that till probate is granted, there is no question of the Defendants being in a position to alienate or transfer the properties.

Taking overall view of the matter, therefore, in my opinion, following order would meet the ends of justice.

O R D E R

(i) Defendants shall within a period of one week of the probate petition being decided, intimate the decision of the probate petition to the Plaintiff and they shall not deal with the properties for a period of four weeks from the date of sending intimation to

the Plaintiff.

(ii) In that event the Plaintiff shall be at liberty to take out appropriate proceedings for appropriate interim reliefs.

(iii) This order is not being passed on merits of the controversy. All the contentions raised by both sides are kept open to be raised at a later state.

Notice of motion disposed of.

Parties to act on ordinary copy of the order duly authenticated by the Associate/ Personal Secretary of the Court as a true copy

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